

S.R. 6 - By Sibley: Commending Marlina Covan of Waxahachie who has received the prestigious Texas Achievement Award and the General Scholarship from The University of Texas at Austin.

S.R. 7 - By Turner: Extending congratulations to Joe Burnett on achieving the rank of Eagle Scout.

S.R. 8 - By Turner: Extending congratulations to Joshua David Vincent on achieving the rank of Eagle Scout.

S.R. 9 - By Turner: Extending congratulations to Mr. and Mrs. Guinn Gifford on the occasion of their 50th wedding anniversary

S.R. 10 - By Turner: Extending congratulations to Mr. and Mrs. Clarence H. Keng of Splendora on the occasion of their 50th wedding anniversary.

S.R. 11 - By Dickson: Recognizing Katelyn Rose Halpern on the occasion of her fourth birthday.

S.R. 12 - By Dickson: Recognizing Joshua Nathaniel Halpern on the occasion of his second birthday.

S.R. 13 - By Green: Recognizing Reverend Tommy William Johnson who will be installed as the new pastor of the First Missionary Baptist Church of Barrett Station.

S.R. 14 - By Henderson: Extending congratulations to Bryan Waters of Spring on achieving the rank of Eagle Scout.

S.R. 18 - By Barrientos: Extending congratulations to Mr. and Mrs. Joseph Leonard Mell of Austin on the occasion of their 65th wedding anniversary.

S.R. 19 - By Barrientos: Commending George V. Clark for his 18 years of meritorious service as director of the Office for Civil Rights for the Texas Rehabilitation Commission and extending best wishes on the occasion of his retirement.

S.R. 20 - By Glasgow: Recognizing Dr. Millie Hughes-Fulford as the first civilian woman scientist to fly into space.

ADJOURNMENT

On motion of Senator Montford, the Senate at 9:07 a.m. adjourned until 11:00 a.m. today.

FOURTH DAY (Thursday, August 22, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Carriker, Leedom, Ratliff.

A quorum was announced present.

Mr. Luis Rosales, Jr., Most Holy Trinity Catholic Church, El Paso, offered the invocation as follows:

Heavenly Father, I ask for Your blessings and Your guidance for these elected officers assembled here, especially our Lieutenant Governor, Bob Bullock, their leader. Give them wisdom and generosity to embrace all general concerns over the interests of a few. Inspire them to work for the benefits of the majority. Give them the courage to protect the dignity of the individual over any material gains of a few. Empower them to use their authority to defend the needs and protect the rights of the poor. I ask this in Your name. Amen.

On motion of Senator Whitmire and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Sims.

Senator Ratliff was granted leave of absence for today on account of illness in the family on motion of Senator Harris of Dallas.

Senator Carriker was granted leave of absence for today on account of important business on motion of Senator Harris of Dallas.

MESSAGE FROM THE HOUSE

House Chamber
August 22, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 8, Honoring Blue Bell Creameries, Inc.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Whitmire was recognized and, on behalf of the Harris County delegation, introduced to the Senate Kathy Whitmire, Mayor of the City of Houston.

The Senate welcomed Mayor Whitmire.

BIRTHDAY ANNOUNCEMENT

Senator Moncrief was recognized and announced to the Senate that today, August 22, 1991, is the 55th birthday of House Speaker Gib Lewis.

The Senate expressed its congratulations.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
August 22, 1991

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SECOND TEXAS LEGISLATURE IN SECOND CALLED SESSION:

Pursuant to Article III, Section 40, and Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby submit the following matter for consideration by the Seventy-second Texas Legislature in its Second Called Session:

Legislation providing for the issuance of general obligation bonds by the Higher Education Coordinating Board and the use of the proceeds from those bonds.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 22nd day of August, 1991.

/s/Ann W. Richards
Governor of Texas

Attest:

/s/John Hannah, Jr.
Secretary of State

CAPITOL PHYSICIAN

Senator Harris of Tarrant was recognized and presented Dr. Shashi Rao of Mesquite as the "Doctor for the Day."

The Senate welcomed Dr. Rao and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(Senator Truan in Chair)

HOUSE CONCURRENT RESOLUTION 8

The Presiding Officer laid before the Senate the following resolution:

H.C.R. 8, Honoring Blue Bell Creameries, Inc.

The resolution was read.

On motion of Senator Turner and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Turner was recognized and introduced representatives of Blue Bell Creameries, Sonny Schulte, his son, Darrell Shulte, and Buddy Kluck.

The Senate extended a warm welcome to these guests.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 56 by Johnson, Ellis Jurisprudence
Relating to abolishing certain district courts, creating additional districts, and the election of district court judges in certain counties.

S.B. 57 by Harris of Dallas State Affairs
Relating to the regulation of insurance, the powers and duties of the Texas Department of Insurance, and maintaining motor vehicle financial responsibility.

SENATE BILL 50 REREFERRED

On motion of Senator Ellis and by unanimous consent, **S.B. 50** was withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Finance.

SENATE BILL 45 REREFERRED

On motion of Senator Armbrister and by unanimous consent, **S.B. 45** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider **S.B. 45** today.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider **S.B. 19** today.

RECESS

On motion of Senator Armbrister, the Senate at 11:35 a.m. took recess until 5:00 p.m. today.

AFTER RECESS

The Senate met at 5:00 p.m. and was called to order by Senator Barrientos.

MESSAGE FROM THE HOUSE

House Chamber
August 22, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 3, Relating to the amended or supplemental designation of and to local restrictions on the premises on which alcoholic beverages may be sold.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
August 22, 1991

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS
41-2505

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SECOND TEXAS LEGISLATURE IN SECOND CALLED SESSION:

Pursuant to Article III, Section 40, and Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby submit the following matter for consideration by the Seventy-second Texas Legislature in its Second Called Session:

Legislation providing for the merger of the staff, functions, property, and appropriations of the State Property Tax Board into the Comptroller's Office.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 22nd day of August, 1991.

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS
41-2503

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SECOND TEXAS LEGISLATURE IN SECOND CALLED SESSION:

Pursuant to Article III, Section 40, and Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby submit the following matter for consideration by the Seventy-second Texas Legislature in its Second Called Session:

Legislation providing for the regulation and conduct of the business of insurance, the State Board of Insurance, and any successor agency.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 22nd day of August, 1991.

/s/Ann W. Richards
Governor of Texas

Attest:

/s/John Hannah, Jr.
Secretary of State

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Haley submitted the following report for the Committee on Administration:

C.S.S.B. 19

By unanimous consent, Senator Montford submitted the following report for the Committee on Finance:

C.S.S.J.R. 2

C.S.S.B. 20

C.S.S.B. 45

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Carriker and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 8 by Carriker

Finance

Resolving that taxing entities shall continue to view nursery stock seasonal protection units as tax-exempt implements of husbandry under the laws of the State of Texas.

S.C.R. 10 by Lucio, Brooks, Brown, Armbrister, Administration
Parker, Truan

Requesting the Parks and Wildlife Department, before adopting rules to implement **H.B. 2494**, to study its impact on the Texas commercial seafood industry and submit a report of its findings to the 73rd Legislature.

S.B. 58 by Lyon, Harris of Dallas Finance
Relating to the authority of certain counties to impose a county hotel occupancy tax and to the use of the tax revenues.

S.B. 59 by Parker Finance
Relating to tax abatement agreements and truth in taxation.

S.B. 60 by Lucio Natural Resources
Relating to commercial fishing and the wholesale and retail fish businesses.

RECESS

On motion of Senator Armbrister, the Senate at 5:05 p.m. took recess until 9:00 a.m. tomorrow.

FOURTH DAY
(Continued)
(Friday, August 23, 1991)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by Senator Haley.

MESSAGE FROM THE HOUSE

House Chamber
August 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 62, Relating to the regulation of insurance, the powers and duties of the Texas Department of Insurance, and maintaining motor vehicle financial responsibility.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL SIGNED

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 3**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 62, To Committee on State Affairs.

MEMORIAL RESOLUTIONS

S.R. 21 - By Montford: In memory of Hazle Mildred Barclay of Spur.

S.R. 28 - By Montford: In memory of Clarence E. Dolle of Morton.

S.R. 33 - By Barrientos: In memory of Robert Lee Bales of Austin.

CONGRATULATORY RESOLUTIONS

S.C.R. 7 - By Ratliff: Commending Marjorie B. Perkins for her many contributions to her community and the State of Texas while serving on the Marshall Regional Arts Council.

S.R. 22 - By Sibley: Extending congratulations to Martin and Corrine Hanson of Eustace on the occasion of their 50th wedding anniversary.

S.R. 23 - By Sibley: Extending congratulations to Lisa and Quinn Snow on the birth of their son, Ryan Matthew Snow.

S.R. 24 - By Sibley: Extending congratulations to Jonathan Soukup of Red Oak on receiving the Danforth "I Dare You" Leadership Award.

S.R. 25 - By Sibley: Recognizing the Teague High School varsity cheerleaders and their mascot, J. J. Herrington, on their outstanding performances at Sam Houston State University camp in Huntsville.

S.R. 26 - By Sibley: Extending congratulations to the Midway Big League girls softball team, who recently won the World Series in Mesa, Arizona.

S.R. 27 - By Krier: Recognizing Mr. William D. Jennings of San Antonio who is retiring from civil service after an exceptional career spanning 50 years.

S.R. 29 - By Bivins: Recognizing David Criss for his loyal and faithful service as executive assistant to Senator Teel Bivins.

S.R. 30 - By Sibley: Extending congratulations to Home Economist Tressie L. Langston of Goodlow for receiving Continued Excellence Awards from the Texas Association of Extension Home Economists and the National Association for Extension Home Economists.

S.R. 31 - By Sibley: Extending congratulations to the members of the Senior League Softball Team for placing third in the Senior League Softball Southern Regionals in Florida.

S.R. 32 - By Sibley: Commending the Major League Softball Team for being chosen as the runner-up team at the Southern Regionals in Florida.

S.R. 36 - By Barrientos: Honoring Ruth Ellinger for her outstanding work within the American labor movement.

ADJOURNMENT

On motion of Senator Armbrister, the Senate at 9:03 a.m. adjourned until 11:00 a.m. today.

APPENDIX

Sent to Governor
(August 23, 1991)

S.B. 3

In Memory**of****Tom Leggett**

Senator Moncrief offered the following resolution:

(Senate Resolution 17)

WHEREAS, With the death of Tom Leggett on August 19, 1991, the City of Fort Worth lost one of its most respected civic and business leaders; and

WHEREAS, A native Texan, this distinguished gentleman was born on January 17, 1928, in Wichita Falls; and

WHEREAS, First and foremost a devoted husband to Patsy Lois and a loving father to Tommy, Jr., and Launi, Mr. Leggett instilled his own personal code of honesty and integrity in his children; and

WHEREAS, Highly successful as a businessman, Mr. Leggett was vice-president of Majestic Liquor Stores and helped oversee the expansion of the company from a one-store operation to a thriving concern with 18 stores and a warehouse; and

WHEREAS, Vitally interested in the welfare and betterment of others, Mr. Leggett was a board member of Big Brothers and Big Sisters and a member of the Shriner Drum Corps; and

WHEREAS, A loyal friend and cherished companion, Mr. Leggett always willingly gave of his time and energy to help those in need; a warm-hearted and sympathetic listener, he offered hope and encouragement to those who sought his wise counsel; and

WHEREAS, He will be fondly remembered for the affection, confidence, and loyalty he inspired in others; and

WHEREAS, His death is a profoundly sensed loss for his family and friends who will sorely miss his smiling presence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 2nd Called Session, hereby extend sincere condolences to the members of his family: his wife, Patsy Lois; his children, Launi and Tommy, Jr.; and his granddaughter, Lauren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Tom Leggett.

MONCRIEF
GLASGOW
HARRIS OF TARRANT

The resolution was read.

On motion of Senator Glasgow and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

In Memory
of
Charlie McCafferty

Senator Moncrief offered the following resolution:

(Senate Resolution 16)

WHEREAS, The Senate of the State of Texas joins with the citizens of Fort Worth in mourning the sudden death of one of the city's most esteemed and well-loved citizens, Charlie McCafferty, who died August 19, 1991, at the age of 59; and

WHEREAS, A descendent of early Fort Worth pioneers who settled in the area in the 1870s, Mr. McCafferty was an accomplished storyteller who enraptured his audience with his tales of early days passed down to him from his grandparents; and

WHEREAS, Mr. McCafferty was a member of the Fort Worth Fire Department where he had worked as a fire engineer and public information officer for 31 years before his retirement in 1989; and

WHEREAS, Founder of the North Fort Worth Historical Society with his wife, Sue, in the 1970s, he helped research and save dozens of old structures dating back to the city's flamboyant cowboy era; and

WHEREAS, Thousands of visitors who toured the historic Stock Exchange Building listened with rapt interest to tales of outlaws and cowboys from one who loved to recount the bygone days; and

WHEREAS, Mr. McCafferty's demeanor typified the cowboy image; dressed in jeans and a Stetson, the jovial raconteur appeared on ABC's Good Morning America as an ambassador for north Fort Worth, looking every bit like an old-fashioned sheriff; and

WHEREAS, Among his many important contributions to his beloved Cowtown was his revival of the popular Pioneer Days Celebration in the 1970s while serving as vice-president of the North Side Business Association; and

WHEREAS, The colorful historian brought enjoyment and enlightenment to his audiences and preserved for future generations a significant cultural heritage; and

WHEREAS, The highly respected community leader was admired for his devotion to his city and its people; and

WHEREAS, The death of such a dedicated citizen is felt not only by his family and friends, but also by the people who benefitted from his accomplishments and generous spirit; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 2nd Called Session, hereby extend heartfelt condolences to his family: his wife, Sue; his sons, Barry, Mike, and Mark McCafferty; and his four grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Mr. McCafferty.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief and by unanimous consent, the resolution was adopted by a rising vote of the Senate.